

REMARKS

Applicant respectfully requests reconsideration of the present application based on the foregoing amendments and the following remarks. Applicant herein amends the specification, cancels claims 10 and 65, amends claims 8, 9, 63 and 64 and adds claims 113 and 114. Claims 1-9, 11-64 and 66-114 will be pending in the application upon entry of this Amendment,

Objections to the Specification

In the Office Action, the Examiner objected to the use of trademarks in the specification. The specification has been amended as suggested in the Office Action, thus obviating this objection.

Claim Rejections Under 35 U.S.C. § 112 (second paragraph)

In the Office Action, the Examiner objected to the use of trademarks in claims 8, 9, 63 and 64. The claims have been amended to replace the trademarks with alternative language, thus obviating this objection.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-7, 11-12, 14-21, 30, 39-41, 43-44, 46-54, 56-62, 66-68, 70-77, 86-87, 96-98, 100-101 and 103-111 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,956,525 to Minsky ("Minsky"). For reasons set forth more fully below, this rejection is respectfully traversed.

Independent Claims 1, 52, 56 and 109 Patentably Define Over Minsky

Each of the rejected independent claims includes subject matter that is neither taught nor suggested by Minsky. For example, claim 1 requires:

a base pattern capable of accepting inspection marks and mark lines, the mark lines being in accordance with design and fit preferences of the customer;

a scanning system for producing an image of the marked base pattern; and

a computer system that receives the image of the marked base pattern from the scanning system and determines the locations of the inspection marks and the mark lines therefrom.

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Minsky merely describes a system to take body measurements of a customer in which a customer puts on a body suit and a sales representative attaches tape measures at certain predetermined circumferential locations around the body suit having adhesive. Photographs are then taken of the customer wearing the body suit. The photographs are then sent to an expert to interpret for the purpose of creating clothing that is custom-fitted for the customer.

At the least, Minsky does not disclose or suggest the required "computer system that receives the image of the marked base pattern from the scanning system and determines the locations of the inspection marks and the mark lines therefrom." Rather, Minsky requires an expert to manually interpret the tape measurements from the photograph and manually enter them into a computer system, which requires some estimations and judgment to be exercised by the expert, who must be specially trained (see col. 16, lines 16-19).

Moreover, the claimed invention is much different from Minsky in many other respects. As set forth in the present specification beginning at, for example, page 7, line 11, a base pattern can be a pattern piece of a try-on garment, the piece being (for a pants try-on garment, for example) a left front piece, a right front leg piece, etc. When a customer tries on the try-on garment, the associated base patterns are retrieved, and marks indicating the customer's fit and style preferences can be made on the base pattern by the tailor. The base patterns are adjusted and connected according to the mark lines, and a sample garment indicating the customer's fit and style preferences can be produced on-site by the tailor. After the customer agrees with the fit and design, each individual base pattern can then be scanned and the mark lines can be readily identified and used to automatically produce custom-made garments for the customer, the custom-made garments being associated with the base patterns of the sample garment. On the other hand, in Minsky, the body suit will not be modified or marked according to a customer's fit and style preferences, nor will pieces thereof be scanned into an image system, nor will a computer system use the scanned image to determine the lines so as to produce custom-made garments associated with the scanned base patterns.

Rejected independent claims 52, 56 and 109 also patentably define over Minsky for similar reasons as claim 1, at least because they both require using a computer system to determine mark lines of a base pattern.

For at least these reasons, independent claims 1, 56 and 109 patentably define over Minsky and the § 102 rejection of these claims, together with claims 2-7, 11-12, 14-21, 30, 39-41, 43-44, 46-51, 53-54, 57-62, 66-68, 70-77, 86-87, 96-98, 100-101, 103-108 and 110-111 that depend therefrom, should be withdrawn.

Dependent Claims 2-7, 11-12, 14-21, 30, 39-41, 43-44, 46-51, 53-54, 57-62, 66-68, 70-77, 86-87, 96-98, 100-101, 103-108 and 110-111 Further Patentably Define Over Minsky

The dependent claims are patentable for at least the reasons the independent claims are patentable. Moreover, the dependent claims contain additional subject matter that is not taught or disclosed by Minsky.

The Office Action correctly fails to point to any disclosure in Minsky of :

- generating image data received from the scanning system in a specified file format (claim 2, 57);
- associating image data with the customer (claim 3, 58);
- storing image data in a database (claim 4, 59);
- the inspection marks include a point of origin and at least one of a reference point and reference lines associated with the base pattern (claim 5, 14, 48, 53, 60, 70, 105, 110);
- the inspection marks and the mark lines are made using at least one of a non-erasable medium and a non-removable thread (claim 6, 61);
- the inspection marks and the mark lines are made using a highly visible medium (claim 7, 62);
- the highly visible medium is one of a Pen, chalk and ink that is naturally disappearing or erasable (claims 8 and 63 – formerly included in claim 10 and 65);
- the Pen, the chalk and the ink are each any color (claim 9, 64);
- the computer system is adapted to generate the specification data from the image, the specification data representing a design of the base pattern as adjusted by the mark lines and in relation to a distance from the inspection marks (claim 11, 66);
- the specification data further represents tailor parameters, wherein the tailor parameters are manually entered into the computer system (claim 12, 68);
- generating the specification data includes creating X-Y coordinate data of the mark lines using the inspection mark to construct imaginary X-Y axes and associated imaginary X-Y grid (claim 15, 71);
- the computer system stores the generated specification data in a database (claim 16, 49, 72, 106);
- the database further stores information about the customer, and associates the specification data with the customer (claim 17, 73);
- the information about the customer includes at least one of a customer ID, a try-on garment ID, a base-pattern ID, and a sample garment ID (claim 18, 74);

- a cutting system adapted to receive the specification data, cut fabric using the specification data of the adjusted base pattern, and inspect the cut fabric using the specification data (claim 19, 75);
- the cutting system is further adapted to inspect the cut fabric using at least one of the design of the base pattern, the image of the marked base pattern, and the locations of the inspection marks and the mark lines (claim 20, 76);
- the cutting system includes an automated cut and sew machine (claim 21, 77);
- a sewing system adapted to sew together the cut fabric to produce the custom-made garment (claim 30, 86);
- the computer system includes a monitor for displaying the scanned image (claim 39, 96);
- the monitor further displays one or more of a try-on garment identifier, a base pattern identifier, a sample garment identifiers and a customer identifier (claim 40, 97);
- the computer system includes software for controlling the scanning system and the cutting system (claim 41, 98);
- the scanning system is located remotely from the computer system (claim 43, 100);
- the cutting system is located remotely from the computer system (claim 44, 101);
- the computer system is adapted to generate the specification data from a combination of the image and manually input inspection tolerance data, the specification data representing a design of the base pattern as adjusted by tailor markings and the mark lines and in relation to a distance from the inspection marks (claim 46, 103);
- the design of the base pattern further includes specified seam positions in relation to the inspection marks (claim 47, 104);
- a cutting system adapted to receive the specification data, cut fabric using the specification data of the adjusted base pattern, and inspect the cut fabric using the specification data (claim 50, 107);
- the cutting system is further adapted to inspect the cut fabric using at least one of the design of the base pattern, the image of the marked base pattern, and the locations of the inspection marks and the mark lines (claim 51, 108);
- the inspection marks include a reference point to indicate an intended direction of coordinate X-Y axes (claim 54, 111).

Because the Office Action correctly fails to point to any disclosure in Minsky of the above subject matter, the § 102 rejection of the dependent claims should be withdrawn for at least this additional reason.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 10 and 65 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Minsky in view of U.S. Patent No. 5,768,135 to Park et al. ("Park"). Claims 10 and 65 have

been canceled, and the corresponding subject matter is now incorporated into amended claims 8 and 63, respectively, from which claims 10 and 65 depended.

Claim 8 depends from independent claim 1, and claim 63 depends from independent claim 56, both of which independent claims patentably define over Minsky at least because Minsky does not disclose or suggest the required "computer system that receives the image of the marked base pattern from the scanning system and determines the locations of the inspection marks and the mark lines therefrom."

This subject matter is not taught or suggested in Park either, and so the alleged combination of Minsky and Park would not have suggested the claimed inventions of 8 and 63 for at least this reason. Moreover, the markings in Park merely are used to distinguish one garment from the other, and not to indicate fit and design preferences of the customer, as required by the claims.

Accordingly, the § 103 rejection of the claims should be withdrawn.

Allowable Subject Matter

Applicant appreciate the Examiner's indication that claims 55 and 112 are allowed and that claims 13, 22-29, 31-38, 42, 45, 69, 78-85, 88-95, 99 and 102 are allowable. Applicant reserves the right to amend the claims later as suggested by the Office Action, if necessary.

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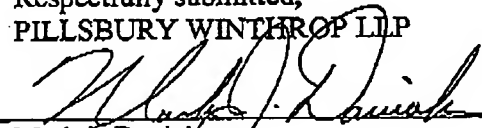
Conclusion

All objections and rejections having been addressed, the present application is considered to be in condition for allowance, and Notice to that effect is hereby earnestly solicited. If any issues remain which the Examiner feels may be resolved through a telephone interview, s/he is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
PILLSBURY WINTHROP LLP

Date:

Oct. 25, 2004


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